

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRIAN KERRY O'KEEFE,

Petitioner,

v.

DOUG GILLESPIE, *et al.*,

Respondents.

Case No. 2:12-cv-01388-MMD-CWH


ORDER

Petitioner has submitted a petition for writ of habeas corpus to the Court along with several other documents. (Dkt. no. 1.) Petitioner provides an order from the Ninth Circuit Court of Appeals stating that he has been granted leave to proceed *in forma pauperis* in another case on appeal. Even if he has been granted pauper status in another case, to properly initiate the instant action, petitioner must submit either a motion for leave to proceed *in forma pauperis* or payment of the \$5.00 filing fee. Petitioner shall be sent a motion for leave to proceed *in forma pauperis* form, should he wish to apply for pauper status, and alternatively given an opportunity to pay the requisite filing fee.

IT IS THEREFORE ORDERED that the Clerk shall send to petitioner a new motion for leave to proceed *in forma pauperis* form and instructions therefor. Petitioner shall have thirty (30) days from the date of entry of this order within which to file a motion for leave to proceed *in forma pauperis*. Alternatively, petitioner shall have thirty (30) days from the date of entry of this order within which to have the full \$5.00 filing fee sent to the clerk. Petitioner's failure to either submit a fully completed motion for leave to proceed *in forma pauperis* or the filing fee may result in the dismissal of this action.

1 IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies of this  
2 order. If petitioner chooses not to submit a new motion for leave to proceed *in forma*  
3 *pauperis*, then petitioner is ordered to make the necessary arrangements to have one  
4 copy of this order attached to the check in the amount of the full \$5.00 filing fee within  
5 thirty (30) days from the date of entry of this order.

6 DATED THIS 11<sup>th</sup> day of October 2012.

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UNITED STATES DISTRICT JUDGE